

DECLARATION IN SUPPORT OF COMPLAINT FOR FORFEITURE

Under 28 U.S.C. § 1746, I, Stephen Fortunato, a Special Agent with the United States Federal Bureau of Investigation (“FBI”), make the following unsworn declaration, under penalty of perjury, in support of the complaint for forfeiture to which this declaration is attached:

INTRODUCTION AND AGENT BACKGROUND

1. I have been a Special Agent with the FBI since March 2019, and am assigned to the Jackson Division, Gulfport Resident Agency (RA), Mississippi. My current duties include investigating organized narcotics traffickers, criminal enterprises, and various criminal activities. I have participated in numerous narcotics, violent crime, human trafficking, cybercrimes, and bank and wire fraud cases. Through my training, educations, and experience, I have become familiar with investigations involving schemes via the internet resulting in bank and wire fraud such as the case described herein.

2. The information contained in this declaration is based upon my personal knowledge and on information that I have obtained from other law enforcement officials. Since this declaration is being submitted for the limited purposes of establishing probable cause and to demonstrate my reasonable belief that the government will be able to meet its burden of proof at trial, I have not included each and every fact known to me concerning this investigation, but only facts that I believe are necessary to establish probable cause that the funds with Merchant and Marine Bank Account Number 10112496253 represent the proceeds of wire fraud, bank fraud, and conspiracy to commit wire fraud and/or bank fraud, in violation of 18 U.S.C. §§ 1343, 1344, and 1349, respectively.

3. I have been personally involved in the investigation of this matter. This declaration is based upon my conversation with victims and sources and upon my examination of

EXHIBIT A

various transcripts, reports, and other records. Because this declaration is being submitted for the limited purpose of establishing probable cause to support issuing a seizure warrant, it does not include all the facts that I have learned during the investigation. When the contents of documents and statements of others are reported herein, they are reported in substance and not verbatim, unless otherwise indicated.

4. There is probable cause to believe the funds in said bank account were derived from proceeds traceable to violations of a specified unlawful activity, specifically, proceeds traceable to violations of 18 U.S.C. §§ 1343, 1344, and/or 1349. As such, the funds in the bank account are subject to seizure and forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (D) and 28 U.S.C. § 2461.

5. There is probable cause to believe the funds in Merchant and Marine Bank Account Number 10112496253 were obtained by the account owner and others unknown through online financial fraud schemes. More specifically, the funds contained in the account were derived from a Business Email Compromise (“BEC”) Fraud Scheme, a sophisticated scam that targets businesses working with foreign suppliers and businesses that regularly perform wire transfer payments. Formerly known as “Man-in-the-Email” scams, these schemes compromise official business email accounts to conduct unauthorized fund transfers.

ITEMS TO BE FORFEITED TO THE UNITED STATES OF AMERICA

6. The Defendant Property sought for forfeiture includes:

An amount up to \$95,325.29 in U.S. currency from Merchant and Marine Bank Account Number 10112496253, held in the name of Susan Becker, that is now frozen in a Merchant and Marine General Ledger Account, in Pascagoula, Mississippi.

FACTS ESTABLISHING PROBABLE CAUSE

7. Between June 15, 2020 and September 25, 2020, parties known and unknown to the United States conspired to receive a series of fraudulent business email compromise (“BEC”) wire transfers involving multiple victims. The scheme targeted victims who were in the process of financing home mortgages within the United States. Fraudulent emails, purportedly from the home mortgage lender, were sent to the victims in multiple states. The emails contained wiring instructions that requested the buyers to send closing payments to different bank accounts, resulting in more than \$860,000 being sent to banking institutions located in Southern Mississippi. Bank records list the account holder of the bank accounts receiving the fraudulent wire transfers as Susan Becker of D’Iberville, Mississippi.

8. Lisa Warren and her husband, Marcus Warren—then residents of Colleyville, Texas, were scheduled to close on their new home on September 3, 2020. Marcus received an email from Freedom Title, the company handling their real estate closing, on August 31, 2020, with accurate wiring instructions to send the closing payment. On September 1, 2020, Lisa received a second email—with Marcus copied on it—containing false wiring instructions. This second email was sent from closer@title.com and appeared to belong to Freedom Title. The false wiring instructions contained in the spoofed email listed the recipient as Susan Becker and the account to which the funds were to be transferred as Merchant and Marine Bank Account Number 10112496253, which Becker had opened on August 31, 2020.

9. On September 1, 2020, Becker received a wire transfer from Lisa Warren in the amount of \$194,380.16. On September 2, 2020, Becker sent a wire transfer to a Silvergate Bank Account with a beneficiary named Bitflyer in the amount of \$50,000.00. On the same day,

Becker purchased a cashier's check in the amount \$70,000.00 made payable to herself and made a cash withdrawal of \$30,000.00.

10. Lisa Warren sent \$194,380.16 to Becker's account believing that she was sending it to Freedom Title for the closing costs. On September 2, 2020, Lisa received a call from an employee at Freedom Title asking where the closing funds were. Lisa advised she already sent them as requested in the email. The employee indicated they only sent an email to Marcus and not Lisa. At that point they realized the email addresses containing wiring instructions were not the same and they had followed the wiring instructions provided by the spoofed email instead of the correct instructions emailed by Freedom Title.


11. After they realized they were scammed, Marcus notified Merchant and Marine Bank who froze the remaining \$44,395.16 and placed a stop payment on the cashier's check. Merchant and Marine Bank was able to recover \$50,930.13 from the cashier's check totaling a recovery of \$95,325.29. The total recovery amount is currently frozen in a General Ledger Account with Merchant and Marine Bank.

12. On February 23, 2023, I contacted Merchant and Marine Bank's law enforcement fraud line and confirmed that the funds were still in the General Ledger account. After this case is filed, the United States will apply for a Warrant of Arrest *in Rem* from the Court in order to seize the Defendant Property.

CONCLUSION

13. Based on these findings, I believe that probable cause exists to seize the funds in Merchant and Marine Bank Account Number 10112496253 as being utilized to collect proceeds earned from at least one online financial fraud scheme, and I believe that the government will be able to meet its burden of proof at trial. The facts set forth above also demonstrate that Merchant

and Marine Bank Account Number 10112496253 contains the proceeds of wire fraud, bank fraud, and/or conspiracy to commit wire fraud and/or bank fraud, in violation of 18 U.S.C. §§ 1343, 1344, and 1349, respectively, which are subject to seizure and forfeiture pursuant to 18 U.S.C. §§ 981(a)(1)(C) and (D) and 28 U.S.C. § 2461.


Special Agent Stephen Fortunato
Federal Bureau of Investigation